

October 2003



# Arizona State Board of Pharmacy

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Published to promote voluntary compliance of pharmacy and drug law.

## ***Board Welcomes a New Compliance Officer***

The Arizona State Board of Pharmacy is pleased to announce that Richard Cieslinksi, RPh, has been selected to join the Board staff as a compliance officer. Rich skipped his senior year of high school and instead began a program of study at the St Louis College of Pharmacy, where he received his high school diploma after the first year and then his bachelor of science in pharmacy degree in 1979. He practiced in various retail pharmacy settings for about 10 years before he joined a national mail-order pharmacy service provider in Missouri. The firm opened a second facility in Arizona in 1993, at which time Rich moved to Arizona to assist in the startup. Rich currently holds pharmacist licensure in seven states and is enthusiastic and excited about the opportunity to educate pharmacist practitioners and facilitate voluntary compliance with federal and state pharmacy rules and statutes in Arizona.

The Board has also enjoyed the contributions and perspectives provided by Victoria Wang, a senior pharmacy student from the University of Arizona who visited us and participated in a six-week administrative rotation at the Board office during August and September.

## ***Carisoprodol Scheduled as a Controlled Substance Effective September 19, 2003***

Effective September 19, 2003, carisoprodol became a Class IV drug in Arizona. On that date Arizona pharmacists were required to inventory all carisoprodol products in stock. The drug must be treated as a C-IV controlled substance from that day forward and the drug is restricted to at most five (5) refills in a six-month period. This change is applicable for Arizona only and carisoprodol is not currently scheduled by Drug Enforcement Administration (DEA), but a valid federal DEA number is required in order to prescribe the product in Arizona. If you have not already inventoried carisoprodol and instituted these prescribing restrictions on September 19, please do so immediately.

## ***Class II Prescriptions – Expire After 60 Days Effective September 19, 2003***

Arizona also placed a time limit on, if you will, expiration date on all C-II prescriptions in the last legislative session. Effective

September 19, 2003, no C-II prescription shall be filled more than 60 days after the date of issue. Please make sure all pharmacy staff are aware of this important new requirement.

## ***Administrative Rules – Pharmacy Technicians and Technician Trainees***

The Board office is answering numerous telephone inquiries about the progress on the licensing of pharmacy technicians in Arizona. Previous editions of this *Newsletter* have covered the topic very well, but repetition is always a good way to reinforce the details in the minds of readers. The legislature agreed with the Board that licensing of technicians is a legitimate function of the Board and recently expanded the scope of the Board to include this authority and responsibility. The Board is now in the process of writing rules that clarify and implement the statutory authority granted the Board. The rules are expected to be finalized sometime after January 2004. The latest version of these rules will require technicians to pay a fee of \$50 every two years to be licensed either as a pharmacy technician or a pharmacy technician in training. Licensed pharmacy technicians will be those technicians who have passed a Board-approved competency exam. At the time this *Newsletter* was written, the Pharmacy Technician Certification Board exam is currently the only Board-approved exam. Licensed pharmacy technician trainees will be those pharmacy technicians who have not yet passed the exam but will also be licensed after finalization of the rules. This group of technicians will be given a two-year period, renewable once, to obtain a passing grade on the exam. Both groups will be notified of the requirements for licensure and after finalization of the rules and payment of the proper fees, all pharmacy technicians will be assigned to one of the two groups based on their exam status.

## ***Generic Substitution and FDA's 'Orange Book'***

The Board office occasionally receives reports from drug manufacturer representatives that they are being told that their product is being substituted for another product even though the product does not have an acceptable rating as listed in Food and Drug Administration's (FDA) "Orange Book." Recently, it was reported to the Board office that a product with a BX rating in the "Orange Book" was being substituted. Please be aware that this is a violation of A.R.S. §32-1963.01 (L) (3), which

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states: “‘**Generic equivalent**’ or ‘**generically equivalent**’ means a drug which has an identical amount of the same active chemical ingredients in the same dosage form, which meets applicable standards of strength, quality and purity according to the United States [P]harmacopeia or other nationally recognized compendium and which, if administered in the same amounts, will provide comparable therapeutic effects.”

Generic equivalent or generically equivalent does not include a drug that is listed by the federal FDA [Food and Drug Administration] as having unresolved bioequivalence concerns according to [FDA’s] most recent publication of approved drug products with therapeutic equivalence evaluations ([otherwise] known as the [“Orange Book”]). The [“Orange Book”] or another reference that reproduces the information is required by rule to be in every pharmacy’s reference library by Arizona rule R4-23-612(9)(d).

### **Disciplinary/Reinstatement Actions Board of Pharmacy**

**Mansur Oloumi, RPh** – It is ordered that pharmacist license number 11733 be limited to Board-approved practice sites for a period of two (2) years commencing April 16, 2003.

**Alan Clendenin, RPh** – It is ordered that pharmacist license number 8255 to practice pharmacy in the State of Arizona be suspended for a period of one (1) year commencing October 28, 2002.

**Kermit Thompson, RPh** – It is ordered that pharmacist license number 4314 be placed on probation for a period of one (1) year and a civil penalty of five hundred dollars (\$500) be paid to the Board for failing to verify the directions on a prescription dispensed.

**Jeff Szubinski, RPh** – It is ordered that the pharmacist license number 11841 be suspended for a period of one (1) year effective November 20, 2002.

### **Other Health Care Practitioner Boards**

**Patricia Evans, MD** – stipulated agreement not to practice medicine and prohibition from prescribing any form of treatment including prescription medications effective June 25, 2003.

**Antonio Wico, MD** – surrendered medical license, incapacitated, July 10, 2003.

**Philip Englund, MD** – surrendered medical license, July 9, 2003.

**Victor Bouchet, MD** – interim order, prohibition on prescribing medications, July 1, 2003.

**Daniel Glick, MD** – reinstatement of prescribing privileges, March 18, 2003.

**Bradley Schwartz, MD** – practice restrictions vacated, August 14, 2003.

**Robert Rivera, MD** – practice restrictions removed, July 10, 2003.

**Notice:** Before making a prescription-dispensing or other decision pursuant to information in this *Newsletter*, you are encouraged to verify the current condition of a license with the appropriate licensing agency (Board).

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